

RCRA REVISION CHECKLIST 199

Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Wastes
and TCLP Use with MGP Waste

67 FR 11251-11254

March 13, 2002

(RCRA Cluster XII, Non-HSWA)

Name of State: _____

State Statutory Authority: _____

Title of Regulations: _____ Effective Date: _____

Date Checklist Completed: _____

Conditionally optional provisions are identified by a “††” (double dagger symbol) in this checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRI N- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART A – GENERAL						
DEFINITION OF SOLID WASTE						
remove “(except as provided under 40 CFR 261.4(a)(17))” at end of second sentence	261.2(c)(3)					
EXCLUSIONS						
replace “Secondary materials (i.e., sludges, by-products, and spent materials as defined in § 261.1)” with “Spent materials (as defined in § 261.1)”	261.4(a)(17)					
replace “secondary” with “spent”	261.4(a)(17)(i)					
replace “secondary” with “spent”	261.4(a)(17)(ii)					

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			EQUIV- ALENT	LESS STRI- N- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
††,2 replace “(a)(15)(iv)” with “(a)(17)(iv)”; replace first occurrence of “secondary material” with “spent material”	261.4(a)(17)(iii)					
††,3 in first sentence, replace “secondary material” with “spent material”; in second sentence, replace “secondary materials” with “spent materials”	261.4(a)(17)(iv)					
††,4 unchanged even though included in this rule	261.4(a)(17)(iv) (A)					
†† revise “secondary material” to “spent material”	261.4(a)(17)(iv) (B)					
unchanged even though included in this rule	261.4(a)(17)(iv) (C)					
†† replace “provides a notice” with “provides notice”; replace “, identifying” with “providing”; remove “non” prior to “land-based”	261.4(a)(17)(v)					
††,5 replace “§ 261.4(b)(7)” with “paragraph (a)(7) of this section”; replace “secondary materials” with “spent materials”	261.4(a)(17)(vi)					

SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE

TOXICITY CHARACTERISTIC

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insert “(except manufactured gas plant waste)” after “A solid waste”	261.24(a)					

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- 1 States that have adopted the revised version of Revision Checklist 167 D (63 FR 28556; May 26, 1998) (revised January 2002), should make the following changes to 40 CFR 261.2(c)(3) instead:

Insert new second sentence: “Materials noted with a “–“ in column 3 of Table 1 are not solid wastes when reclaimed.”

- 2 There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). The second occurrence of “secondary material” should have also been revised to “spent material”. States should make this revision.
- 3 There are typographical errors in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). In the first sentence, the rule incorrectly revises “on pads, rather than in tanks, containers, or buildings.” to “on pads rather than tanks containers, or buildings.” States should not make these changes. Additionally, in the third sentence, the rule should have also revised “secondary material” to “spent material”. States should make this change.
- 4 There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). In the second sentence, “secondary material” should have been revised to “spent material”. States should make this revision.
- 5 There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). The rule incorrectly revises the internal reference to “paragraph (a)(7) of this section”. The correct revised internal reference should read “paragraph (b)(7) of this section”.